

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

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Arthur L. Pennefather

USCA NO. \_\_\_\_\_

-v-

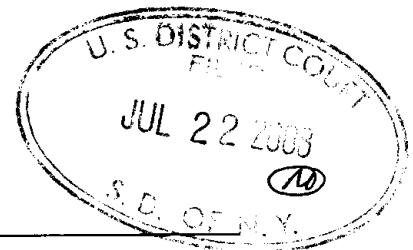
SDNY NO. 08cv00098

JUDGE: DAB

DATE: 7/18/2008

New York State Unified Court System

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME) Nezam D.  
FIRM APPEALS SECTION  
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500 PEARL STREET, NEW YORK, NEW YORK 10007  
PHONE NO. (212) 805-0636

DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

( ☒ ) Original Record

( ☐ ) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 18<sup>th</sup> Day of July, 2008.

**United States District Court for  
the Southern District of New York**

Arthur L. Pennefather

-V-

New York State Unified Court System

Date: 7/18/2008

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08cv0098

D.C. JUDGE DAB

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 19, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

**Date Filed**

**Document Description**

**\*\*BALANCE OF FILES MISSING AT THIS TIME**

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 18<sup>th</sup> Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233<sup>rd</sup> year.

**J. Michael McMahon, Clerk**

By

  
Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York**  
**(Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-00098-DAB**  
**Internal Use Only**

Pennefather v. New York State Unified Court System  
Assigned to: Judge Deborah A. Batts  
Cause: 42:12112 Americans with Disabilities Act of 1990

Date Filed: 01/07/2008  
Date Terminated: 06/05/2008  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
01/07/2008	<u>1</u>	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Kimba M. Wood on 1/4/08) (rdz) (Entered: 01/22/2008)
01/07/2008		SUMMONS ISSUED as to New York State Unified Court System, U.S. Attorney and U.S. Attorney General. (rdz) (Entered: 01/22/2008)
01/07/2008		Magistrate Judge Kevin N. Fox is so designated. (rdz) (Entered: 01/22/2008)
01/07/2008	<u>2</u>	COMPLAINT against New York State Unified Court System. Document filed by Arthur L. Pennefather.(rdz) (Entered: 01/22/2008)
01/29/2008	<u>3</u>	INITIAL ORDER TO PRO SE PLAINTIFF: All correspondence relating to this case should be directed to the Pro Se Office, U.S. Courthouse, 500 Pearl Street, New York, NY 10007-1312. No correspondence shall be sent directly to the Court. You should review the FRCP as further set forth herein. In particular, Rule 4(m) requires that you serve the Complaint on the Defendants and file proof of service with the Clerk of the Court within 120 days of the filing of the Complaint or write to the Court if you can demonstrate good cause for an extension before the expiration of the 120 days. The Pro Se Office will answer any questions you may have about how to do this. If you do not comply with Rule 4(m), your case shall be dismissed without further notice. While this action is pending, it is the responsibility of the pro se Plaintiff immediately to inform the Court, through the Pro Se Office, of any changes of address. (Signed by Judge Deborah A. Batts on 1/28/08) (dle) (Entered: 01/30/2008)

02/01/2008	4	MOTION to Appoint Counsel. Document filed by Arthur L. Pennefather.(djc) (Entered: 02/06/2008)
02/29/2008	5	ORDER: A review of the docket in this matter reveals that Plaintiff has yet to complete service of his Complaint upon the Defendant. As such, the Court finds Plaintiffs application to be entirely premature. Accordingly, Plaintiff's application to be referred to Pro Bono Panel for possible appointment of Counsel is DENIED. SO ORDERED. (Signed by Judge Deborah A. Batts on 2/28/2008) (jpo) (Entered: 03/03/2008)
03/14/2008	6	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. New York State Unified Court System served on 3/7/2008, answer due 3/27/2008. Service was accepted by Loui, Jay. Document filed by Arthur L. Pennefather. (djc) (Entered: 03/17/2008)
04/23/2008	7	AFFIDAVIT OF SERVICE of Summons and Complaint. New York State Unified Court System served on 4/2/2008, answer due 4/22/2008. Service was accepted by John Eiseman. Document filed by Arthur L. Pennefather. (rw) (Entered: 04/23/2008)
04/24/2008	8	MEMORANDUM OF LAW in Support of Defendant's Motion to Dismiss Plaintiff's complaint. Document filed by New York State Unified Court System. (docmt received in night dep. on 4/24/08 at 6:08 p.m.) (djc) (Entered: 04/29/2008)
04/24/2008	9	MOTION to Dismiss for Lack of Jurisdiction and MOTION to Dismiss complaint against the defendant on the grounds that the complaint fails to state a cause of action. Document filed by New York State Unified Court System.(djc) (Entered: 04/29/2008)
04/24/2008	10	AFFIRMATION of Roberta L.Martin in Support re: 9 MOTION to Dismiss for Lack of Jurisdiction. Document filed by New York State Unified Court System. (djc) (Entered: 04/29/2008)
04/29/2008	11	MOTION for Default Judgment. Document filed by Arthur L. Pennefather.(pl) (Entered: 05/01/2008)
05/02/2008	12	AFFIRMATION in Opposition re: 9 MOTION to Dismiss for Lack of Jurisdiction. Document filed by Arthur L. Pennefather. (djc) (Entered: 05/06/2008)
05/02/2008	13	MOTION to Appoint Counsel. Document filed by Arthur L. Pennefather.(djc) (Entered: 05/06/2008)
05/09/2008	14	MEMORANDUM OF LAW in Opposition re: 11 MOTION for Default Judgment. Document filed by New York State Unified Court System. (cd) (Entered: 05/12/2008)
05/30/2008	15	NOTICE OF APPEARANCE by Roberta Lynne Martin on behalf of New York State Unified Court System (pl) (Entered: 05/30/2008)

06/03/2008	<u>16</u>	REPLY re: 12 Affirmation in Opposition to Motion. Document filed by New York State Unified Court System. (pl) (Entered: 06/04/2008)
06/03/2008	<u>17</u>	MEMORANDUM ORDER granting 9 Motion to Dismiss for Lack of Jurisdiction; denying 11 Motion for Default Judgment; denying 13 Motion to Appoint Counsel. The Clerk of Court is directed to close the docket in this case. (Signed by Judge Deborah A. Batts on 6/3/08) (cd) (Entered: 06/04/2008)
06/03/2008		Transmission to Judgments and Orders Clerk. Transmitted re: <u>17</u> Order on Motion to Dismiss/Lack of Jurisdiction,, Order on Motion for Default Judgment, Order on Motion to Appoint Counsel, to the Judgments and Orders Clerk. (cd) (Entered: 06/04/2008)
06/05/2008	<u>18</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum and Order dated June 3, 2008, plaintiffs motions are denied and defendants motion to dismiss is granted; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 6/5/08) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 06/05/2008)
06/05/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Arthur L. Pennefather and to Attorney(s) of Record: Roberta Lynne Martin. (ama) (Entered: 06/05/2008)
07/01/2008	<u>19</u>	NOTICE OF APPEAL from <u>18</u> Clerk's Judgment. Document filed by Arthur L. Pennefather. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 07/17/2008)
07/01/2008		Appeal Remark as to 19 Notice of Appeal filed by Arthur L. Pennefather. NO FEE. IFP GRANTED 1/4/08. (tp) (Entered: 07/17/2008)
07/17/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 19 Notice of Appeal. (tp) (Entered: 07/17/2008)
07/17/2008		Transmission of Notice of Appeal to the District Judge re: 19 Notice of Appeal. (tp) (Entered: 07/17/2008)